

Migration and Mobility: Editor Introduction

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On January 20, 2021, President Biden assumed leadership of a country ravaged by the mismanagement of the COVID-19 pandemic and tarnished by some of the most toxic immigration policies in recent history. In response, he signed seventeen executive orders, repealing decisions made by his predecessor in environmental protection, health care, and immigration.¹ Among the most significant executive orders was the “Proclamation on Ending Discriminatory Bans on Entry to The United States” that revoked President Trump’s Executive Order 13780, also known as the Travel Ban 2.0 or the Muslim Ban. President Biden’s Proclamation describes the ban as “a stain on our national conscience and inconsistent with our long history of welcoming people of all faiths and no faith at all.”² President Biden also planned to send a bill, the U.S. Citizenship Act of 2021, to Congress, which features an eight-year path to citizenship for immigrants without legal status to be present in the country, as well as a quicker path for Dreamers and people present with Temporary Protected Status.

Many informed observers and activists are cautiously optimistic that the new administration will bring meaningful change. The Biden administration promises less overt racism and an end to the celebration of cruelty. We can expect a commitment to rule of law and to procedures that may benefit people fleeing persecution or people trapped in the indefinite limbo of illegal status. At the same time, Congress has proven unable to pass meaningful immigration legislation in recent decades. The Re-

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publican Minority House leader released a statement that the legislation “will prioritize help for illegal immigrants and not our fellow citizens.”³

Moreover, there is reason to doubt that the proposed changes will transform an immigration system shaped by white supremacy and embedded in global structural inequalities. The Biden administration may return the refugee system to the pre-Trump status quo and reintroduce a measure of discretion and sanity into decisions to deport. It will not abolish ICE. Furthermore, it is unlikely to fundamentally transform how mobile people and recent settlers are viewed and treated.

For this we need to turn to philosophy and to critical scholarship. Philosophy provides tools for analysis, evaluation, criticism, and vision. It can help us see and problematize features of the world that were previously invisible.

Political philosophers generally date the rise of interest in questions of immigration to Joseph Carens’s seminal article, “Aliens and Citizens: The Case for Open Borders” (1987). Carens made two major contributions. First, he showed that existing state regulations on immigration are surprisingly difficult to justify if we take seriously assumptions such as the use of force to restrict freedom must meet high standards of justification or that access to opportunities should not be determined by morally arbitrary factors like place of birth. In doing so, he placed open borders on the agenda as a serious position in political philosophy, putting the moral burden of proof on those who want to restrict mobility.

Even those who reject open borders tend to agree that many features of our existing immigration systems do not withstand moral scrutiny. This becomes particularly stark when political philosophers turn to questions of immigration enforcement and to the treatment of people fleeing war, environmental degradation, or persecution. Migrants, including refugees, routinely risk their lives because of policies designed to contain them in their countries of origin or in transit countries. State authorities routinely surveil, detain, expel, and abuse migrants, violating their human rights. Refugees are forced to travel clandestine routes and to rely on smugglers for an opportunity to exercise their legal right to asylum. Many more refugees are indefinitely immobilized in camps. These practices cannot be reconciled with a commitment to justice.

While Carens is rightly celebrated for his arguments for open borders, his article makes an even more significant contribution by drawing our attention to how political philosophy has not come to terms with human mobility. Many of the central works in political philosophy from Hobbes’s *Leviathan* to John Rawls’s *Theory of Justice* presuppose a model

of political society in which immigrants have no, or at least a marginal, place (Sager 2021). People are assumed to belong to one and only one political community and culture and are expected to remain in the same nation-state from birth to death. The dominant models shaping political philosophy are poorly designed for understanding a world where hundreds of millions of people move and belong to multiple, overlapping communities.

The migrant is a disruptive figure for political philosophy (Nail 2015). Once you recognize that migration is part of human life and mobile people are ubiquitous, it is difficult to see the world in quite the same way. Human mobility touches every major topic in political philosophy, including sovereignty, authority, community, democracy, equality, and freedom. Migration can be seen as raising a set of questions in its own right that need to be addressed. Is freedom of movement across state borders a fundamental right? Are states required to eventually extend full membership to people who entered or remained in a state territory illicitly? Is it just to create temporary worker programs which are usually exploitative and often involve serious abuses?

It also raises larger methodological questions about how we should approach political philosophy. In the last decade, the philosophy of migration and mobility has blossomed into a major area of social and political philosophy. Moving away from debates about freedom of movement and its limitations, it has become methodologically more diverse. Philosophers have begun to incorporate tools from critical race theory and feminism to confront the central place of racism and sexism.⁴ They have also begun to recognize and address the legacies of colonialism and empire (Jaggar 2020; Valdez 2020). My goal in editing this special issue of *Essays in Philosophy* is to reflect some of this diversity, both in theoretical approach and subject matter. I also hope that contributions will bridge disciplines, bringing crucial insights from the social sciences to the attention of philosophers.

Tiffany E. Montoya's "Understanding the Legitimacy of Movement: The Nomadism of *Gitanos* (Spanish Roma) and Conquistadors," juxtaposes the Spanish occupation and colonialization with the contemporaneous treatment of *Gitanos* in Spain. Some of the earliest sustained philosophical reflection on questions of migration and settlement occurred during the Spanish colonialization of the Americas, defending strong rights to travel and to settle abroad. Francisco de Vitoria in *On the American Indians* (1532) defends a right of hospitality based in natural law, holding that the Spanish could not be rightly prevented from set-

ting, so long as they do no harm (Vitoria 1991). At the same time, the Catholic Monarchs Ferdinand and Isabella promulgated ordinances persecuting and immobilizing *Gitanos* in Spain and forbidding their travel to the New World.

Montoya brings insights from Deleuze and Guattari (1987) to help understand the differential treatment of conquistadors with broad mobility and settlement rights and the severe restriction on the *Gitanos*' mobility. Drawing on their analysis of the state apparatus, they show how the *Gitanos* resisted state efforts to categorize and classify them so that the Spanish state could extract their labor. In contrast, the conquistadors furthered state purposes by bringing new territories under its dominion. She also draws on the work of Charles Mills (1997), positing a proto-racial contract to help explain the differential treatment of conquistadors and *Gitanos*, as well as the legitimization of the Spanish conquest and genocide through racialization and dehumanization. Her historical analysis encourages us to theorize similar dynamics today, including ongoing discrimination of Roma in Europe, as well as the privileges of organizational migrants—soldiers, aid workers, missionaries—who are often ignored by political philosophers (Lucassen and Smit 2015).

Amy Reed-Sandoval's "Imagining Abortion as Migration during Covid-19" also seeks to expand how we think about migration and mobility. On January 20, 2021, in the waning days of the Trump administration, the US Supreme Court granted a stay (pending appeal) of an injunction imposed by a Maryland federal district court that would have prevented the FDA from enforcing the requirement that patients could only obtain abortion pills by visiting a healthcare provider in person.⁵ Even before the COVID-19 pandemic, abortion care was not readily accessible to the many women in the US who need to travel hundreds of miles to visit a provider (Diaz 2020). Preventing women from receiving abortion pills through telemedicine effectively denied that possibility of an early term abortion for many women.

It is unlikely that most people thought of this as an immigrant rights decision. Nonetheless, access to abortion very much depends on one's ability to travel without fear of arrest and deportation. Drawing on ethnographic research of women seeking abortion care that she conducted in New Mexico, Reed-Sandoval makes a further claim: it is analytically and normatively useful to conceive even U.S. citizens and legal residents travelling for abortion care as migrants.

In doing so, she draws on criticisms from critical border studies and from criticisms of methodological nationalism. Philosophers have

focused overwhelmingly on state borders, with relatively little attention to how internal borders and mobility constraints within state territories prevent people from exercising their rights and from accessing opportunities. Mobility is constrained by many factors, including legal and economic status, racism, sexism, and other forms of discrimination, as well as by policies such as redlining. Borders are used to surveil and police women's bodies, with pregnant women especially subject to scrutiny and to nativist narratives (Cisneros 2013; Reed-Sandoval 2020). Abortion care is spatially segregated and women's access to care varies greatly, raising central questions of justice.

Gajendran Ayyathurai's paper, "Emigration against caste, transformation of the self, and realization of the casteless society in Indian diaspora" invites dialogue between philosophers, anthropologists and historians. Indentured labor and caste have received scant attention from philosophers, despite caste-based oppression, which was mobilized and reinforced by European colonizers, being a major reason for emigration. South Asian emigrants from diverse regions used their emigration overseas to create societies and identities based on anti-caste principles. Ayyathurai explores the dynamic in the Indian diaspora between groups that try to reinscribe brahminical caste hierarchies and exclusions into diaspora communities and caste free/anticaste groups that resist their identities and social relationships.

Ayyathurai's fieldwork in Guyana and Suriname invites philosophers to expand the scope of their inquiries by giving caste-based oppression its appropriate place and by reflecting on the agency of migrants in reshaping their own identities and building diasporic communities. Philosophers have tended to homogenize immigrant groups, ignoring internal diversity and power dynamics. In its most pernicious forms (Okin 1999), philosophers have characterized immigrant groups as outsiders with "illiberal" values that differ from "ours" who are in need of integration (Volpp 2001). Sustained engagement with anthropology and history dispels these simplifications.

Michael Ball-Blakey's "Migration, Mobility, and Spatial Segregation: Freedom of Movement as Equal Opportunity" returns us to some of the arguments of Joseph Carens's "Aliens and Citizens." In a striking analogy, Carens compared citizenship in Western liberal democracies to a feudal birthright privilege—citizenship is not only largely inherited, but access to its benefits is jealously guarded with threats of violence. Ball-Blakely expands on this analogy, emphasizing the need to situate mi-

gration within the larger context of political economy and international distributive justice.

Often, arguments for more open borders based on equal opportunity see border controls as simply preventing people from accessing opportunities. This overlooks how borders play a major role in constructing and constituting our economic institutions. Ball-Blakey draws on William Robinson's analysis of global capitalism and transnationalism (2004) which emphasizes how production and labor are segmented and fragmented around the globe, but also how power is concentrated in the hands of powerful, transnational corporate actors. The immobility of labor contrasts with the hypermobility of capital, with immigration controls serving as a powerful tool for maintaining low wages and externalizing the costs of production onto the global South. In this context, freedom of movement becomes more than a necessary requirement for accessing opportunities; it becomes a tool against political and economic oppression.

As we saw above with the brief remarks on Vitoria, hospitality—and its limits—have a long history in philosophical reflection on migration. Hospitality can be conceived in terms of acts welcoming strangers or as an ethical attitude emphasizing openness and benevolence. It has taken increased prominence in recent scholarship influenced by Kant and Derrida and in activism that invokes it as a central value in response to refugees and other displaced people. At the same time, the concept of hospitality is contested and suffers from ambiguity. Nativists sometimes mobilize it for decidedly inhospitable purposes, invoking notions of home that exclude people conceived as not belonging to the community. Furthermore, we may worry that the focus on an ethics of hospitality promotes asymmetrical power dynamics between hosts and guests and falls short of justice.

Benjamin Boudou's "Beyond the welcoming rhetoric: Hospitality as a principle of care for the displaced" takes on these debates. Drawing on the work of the PEROU (Exploration Pole of Urban Resources) in Calais, France, he focuses on the acts of hospitality that address how displacement involves the loss of home. He argues for conceiving hospitality as a principle of care toward displaced people, enabling home-making practices in a new environment. Hospitality gifts time and space toward vulnerable others to help repair material, emotional, and political harms.

The final contribution, Kyle Fruh's "Climate Change Driven Displacement and Justice: The Role of Reparations" takes on questions of climate justice. While there are both empirical and conceptual questions

that make it difficult to estimate of how many people will be displaced by climate change, no serious observer doubts that climate change driven displacement will become more and more central (Flavell and Chazalnoël 2014). Even now, climate plays a central role in migrations from Central American (Blitzer 2019) and the Fertile Crescent (Kelley et al. 2015). Whether communities begin to adapt now in anticipation of climate playing a more central role in human displacement or whether they ignore the evidence will decide whether climate driven migration is a challenge or a serious crisis.

Climate driven migration also raises central questions of justice. What are the rights of people forced to leave their homes? What duties do communities have toward them? Philosophers have converged on a set of responses to climate-driven displacement, including expanding legal definitions to include people forced to move because of climate and providing individuals with resources for resettlement. Most radical are proposals that displaced communities receive territory to enable them to continue to exercise self-determination. While there is a fair amount of agreement about what must be done, political philosophers disagree about reparative obligations: should duties to people displaced by climate change be seen as primarily addressing present needs or should they be grounded in harms that need to be rectified? Kyle Fruh argues that reparations must be at the center of climate justice. Accepting responsibility for displacement and taking measures toward restoring just relations are necessary to fully satisfy the requirements of justice.

We need to embed migration in larger questions of climate justice. Migration needs not just to be located within political and ecological systems, but should also be seen as constituting them in significant ways. Human mobility has always been one of the responses to climate change and our error has been to design institutions that place barriers to adaptation.

In the future, I hope to see philosophy of migration disappear as a subdiscipline of social and political philosophy. This isn't because I think that human mobility will become irrelevant in the future—indeed, I predict it will continue to be central in more and more people's lives. What I hope to see, though, is that our political philosophies no longer treat migration as an anomaly, an exception that we need to address, but rather as an integral part of human life and society. The fact that some people will change their political membership will not be treated as an aberration to be debated, but a feature of life that must be accommodated.

I believe the papers in the special issue push the debate in the ethics of migration and mobility forward.

Endnotes

1. A fact sheet with key details on his day one executive orders can be found here: https://punchbowl.news/wp-content/uploads/1.-FACT-SHEET_-Inauguration-Day-EOs-1_20_21.pdf
2. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/>
3. <https://republicanleader.house.gov/bidens-immigration-plan-ignores-americans-urgent-needs/>
4. Important recent work includes Higgins 2013; Mendoza 2016; Morgan 2020; Reed-Sandoval 2020; Silva 2015; and Wolf 2020.
5. *FDA v. American College of Obstetricians and Gynecologists*.

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